

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD FULLARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:18CV385
	)	
FRANK PERRY, et al.,	)	
	)	
Defendant(s).	)	

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 22, 2018, was served on the parties in this action. (ECF Nos. 3, 4.) Plaintiff objected to the Recommendation. (ECF No. 5.)

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The Court also notes that any attempts to amend his Complaint would require Plaintiff to file a separate motion and a proposed amended Complaint. Even if the Court were to construe Plaintiff's objections as an attempt to amend the Complaint, any such attempt would be futile as Plaintiff still does not correct the defects cited in the Recommendation. Thus, Plaintiff's request to amend is DENIED.

IT IS THEREFORE ORDERED that this action be filed and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new compliant, on the proper § 1983 forms, which

corrects the defects cited in the Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 18<sup>th</sup> day of June, 2018.

/s/ Loretta C. Biggs  
United States District Judge